

Today's Ogden News

JUVENILE COURT LAW ON TRIAL.

Habeas Corpus Proceedings in
Harry Benson Case Taken
Under Advisement.

BUSINESS IN DISTRICT COURT.

Municipal Judge Murphy Discharges
Swan and Conlisk, Holding Bank
Had no Right to Prosecute.

Ogden, Utah, Dec. 22.—The habeas corpus proceedings brought by Atty. Arthur E. Christensen of Salt Lake City as guardian of Harry Benson and in his behalf, were taken up by Judge Howell last evening at 8:30 o'clock.

The action is brought principally to test the constitutionality of the law enacted by the last Legislature creating a juvenile court. Mr. Christensen for the 17-year-old Harry Benson, set forth that he is being unlawfully held at the Utah State Industrial school in this city by Supt. Thomas on a commitment from Judge Willis Brown of the Salt Lake juvenile court, who recently sent the boy to the Industrial school on the charge of incorrigibility.

Mr. Christensen argued that in the first place the juvenile courts of Utah, as created by an act of the last Legislature, are contrary to the constitution of Utah, and also of the United States. Further, that the boy Benson was not given a proper trial before Judge Brown, he having compelled him to testify at the trial against the objection of his attorneys, the court having held that he had a right to compel the boy to testify, and it was on his testimony he was found guilty and committed to the Industrial school.

Atty. George Halverson appeared for the state in the case. Frank B. Stephens of Salt Lake represented Judge Brown and Atty. Hollingsworth was present in behalf of the Industrial school board. The arguments lasted several hours. M. C. Christensen admitted that no matter which way the court should decide the suit the case would be appealed to the supreme court.

Judge Howell took the matter under advisement and instructed both sides to submit briefs.

IN JUDGE HOWELL'S COURT.
Damage Suit Against Ogden Paint, Oil and Glass Co. Now on Trial.

Ogden, Dec. 22.—In the district court before Judge J. A. Howell the hearing in the case of Mathias Gilles against Jeanette Reburg was completed and a verdict granted in favor of the plaintiff. The suit was brought to recover on a mechanic's lien on a house built by plaintiff for the defendant, for which he did not receive full pay.

In the case of J. S. Carver against

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T. Mortensen et al minors, the defendants' motion for permission to file a petition and complaint in intervention was granted and Monni Sken was appointed by the court as guardian of the children.
The suit of I. Beitman against the Ogden Paint, Oil and Glass company, brought to recover \$1,543.15 alleged to be due for personal injury and damage to plaintiff's horse and buggy last summer caused, it is alleged, by the carelessness of defendant's delivery man, is now on trial before his honor and a jury.

SWAN AND CONLISK FREE.
Judge Murphy Holds the Bank Had no Right to Prosecute for Fraud.

Ogden, Dec. 22.—Judge Murphy has discharged the defendants W. R. Swan and Arthur Conlisk charged on 13 counts with defrauding the First National Bank of Ogden out of money on fraudulent bounty warrants. The court held that the bank had not been defrauded of the money as the state has made a special appropriation of funds to cover these fraudulent bounty warrants issued and therefore the bank had no right to prosecute the action against the two defendants.

County Atty. Hulaniski prosecuted the case, and while he does not agree with Judge Murphy in his decision, he feels that he did his duty, and does not desire to bring new actions against the two men. The decision of Judge Murphy sets Conlisk entirely free, but Swan is now awaiting trial in the Second district court on a similar charge brought against him by the state on which he was found guilty in the municipal court and was bound over to the higher court to answer to the charge.

INHERITANCE TAX.
Judge Dec's Estate Will Enrich the State to Extent of \$21,091.12.

Ogden, Dec. 22.—Last evening Attorney Charles C. Richards for the estate of the late Thomas D. Dec, sent to Salt Lake City to the receiver of all moneys for inheritance tax on estates, \$21,091.12, the amount taxed against the estate of the late Judge Dec. This amount, with the filing fee of \$856.40 paid County Clerk Mattson on the estate was paid out last evening. The appraisers of the estate were 12 days going over all the land, bonds, mortgages, etc., belonging to the estate, and for this labor a fee of \$150 was placed against the estate, making a total of \$21,242.52 paid out of the immense estate just to the state, county and appraisers. Besides this expense there will be the court costs, attorney's fees and other expenses to be paid out of the estate.

JOHNSON AND KIRTZ ESTATES.
Judge Howell has appointed C. F. Middleton as one of the appraisers of

the estate of Albert Johnson, instead of T. A. Whalen, who is going to California with his wife on a vacation. He will assist Archibald McFarland and A. D. Shurtliff to appraise the estate, which is valued at nearly \$50,000. Their appraisal will also stand for the inheritance tax, which will also amount to considerable.

The inheritance tax commissioners, who met with Attorney General Bredson on Wednesday, raised the valuation of the Thomas J. Kirtz estate over \$7,000, placing the figure at \$15,351.78. The valuation given by the administrator was in the sum of \$38,973.72. The state will get from the estate for inheritance tax about \$1,500.

FUNERAL OF CHARLES MARTIN.
The funeral of Charles Martin, aged 20 years, who died Tuesday evening from the effects of a gunshot wound inflicted by his own hand, were held at 3 o'clock yesterday afternoon at Larkin & Son's undertaking parlors, Rev. J. E. Carver officiating. He also preached the funeral sermon. Sweet music was furnished by Miss Bessie Blair, Isaac Blair and Charles Blair. The services were well attended. Interment took place in the Ogden City cemetery.

HORROCKS WAIVES EXAMINATION.
Roy Horrocks, who is charged on two different counts with attempted criminal assault, was brought before Judge Murphy for preliminary hearing. He asked permission of the court to waive preliminary examination, which, on consent of County Attorney Hulaniski was granted and he was bound over to answer to the charge to the district court under \$2,000 bonds, in default of which he was placed in a cell in the county jail.

CIGAR STORE ATTACHED.
The cigar store of Fred L. Bradley was attached by the sheriff at the suit of Kuehler Bros., for the sum of \$850, alleged to be due and owing to the plaintiffs under a chattel mortgage. It is said that the liabilities of the defendant will reach about \$2,000 in all. Among the creditors are Rogers Cigar company of Salt Lake, Weiss Bros. company, Chicago, Hemmenway & Moser, Salt Lake; Fred J. Kiesel & Co., Ogden. It is stated that Messrs. Kuehler do not intend to operate the store, but will sell out the stock and realize as much as possible therefrom.

NO SESSION OF COUNCIL.
By the failure to secure a quorum to meet with the representatives of the Ogden Waterworks company Wednesday evening, the members of the city council have practically put the waterworks question in a position where it will have to be fought all over again by the new council after the first of the year. Mayor Glasemann, in a communication to the council a week ago, urged that body to meet with the representatives of the waterworks company in an effort to settle the question before the end of the year. The councilmen seem to have disregarded the suggestion of the mayor, and after holding one session, during which a franchise was partially drafted, failed to secure the attendance of a sufficient number to continue the work. The hearing on the \$30,000 claim against the city, brought by the waterworks people, who claim that amount for hydrant rental under the Bothwell contract, will come up in the United States court on Jan. 18, 1906.

FOUR COUPLES WED.
The following couples have secured from the county clerk licenses to wed: Herbert W. Burdette and Mrs. Edith Guthrie Tomlinson, both of Los Angeles, and of lawful age.

Alva A. Rhodes, 26, and Miss Ida M. Bernard, 19, both of Garland, Boxelder county.

August C. Fleitz, 23, of Buffalo, N. Y., and Miss Ella C. Grundy, 19, of Ogden City.
John A. Blair, 22, of Richmond, Cache county, and Miss Annie E. Jones, 22, of Willard, Boxelder county.

SUDDEN DEATH OF CHILD.

While P. M. Poulsen of this city was playing with his infant daughter yesterday morning at his home, 2256 Moffat lane, the little one began choking and within a few moments expired in her father's arms. The death was a most peculiar one. It is supposed that the child was afflicted with heart trouble, as it had not been ill, and passed away within a few moments. The body was removed to the Richey undertaking parlors and prepared for burial. The funeral services were held at the residence at 10 o'clock this morning. Interment was in the Huntsville cemetery.

BRIEFS AND PERSONALS.
No trace has been obtained by the sheriff's department or police of the whereabouts of the horse and buggy belonging to J. B. Ramey, stolen last Sunday night.

Alfred and James Terry of Roy were arrested by the sheriff at the request of the Salt Lake officers, who went them for jumping a board bill. They were taken to Salt Lake last night.

Fred Roberts, the bicycle thief will serve 25 days on the rock pile.

Four boys hailing from Riverside, were before Judge A. B. Patton in the juvenile court yesterday on the charge

of resisting an officer in the discharge of his duties. Constable Sanford Fife was the complaining witness, who alleged that the four boys pounced upon him and gave him a severe trouncing. One of the boys, John Shipley, was found guilty and assessed a fine of \$5.

Weber lodge No. 6, F. & A. M., held its annual election last evening and chose the following officers to serve for the ensuing term: C. D. Ives, W. M.; A. F. Parker, S. W.; Valentine Gideon, J. W.; S. E. Nichols, secretary; George F. McIntosh, treasurer; A. R. Heywood, trustee. These officers will be installed next Wednesday, which is St. John's day.

Dr. H. J. Powers and wife and H. C. Wardleigh have gone to California to spend the holidays.

Tonight the Weber Stake Academy annual ball will be given at the academy hall on Washington avenue.

The gold medals awarded the Ogden public schools for their excellent work exhibited at the Lewis and Clark exposition at Portland, have arrived, and are now on exhibition in Badson's show window.

The Ogden school teachers have secured a special train to go to Salt Lake on Wednesday to the State Teachers' association.

CARD OF THANKS.
Mr. and Mrs. Charles McPhie and family wish to express their deep gratitude for kindness shown by friends on their recent bereavement caused by the loss of their son and brother, Martin.

TOYS HALF OFF.
Half off on all dolls, toys and games, all day Saturday, at the Deseret News Book Store.

THE PARTIALITY OF TRAVELERS.
Experienced travelers are partial to the New York Central Lines, and their experience accounts for their partiality. The time is the fastest; the parlor, sleeping and dining car service unsurpassed; the motive power and roadbed of the highest standard of excellence.



LET US HELP YOU CHOOSE!

We have an excellent assortment of suitable Christmas Presents for Ladies' and Gentlemen, Boys and Girls. Our clerks are attentive and obliging, and the goods are reasonably priced.

Appropriate Presents FOR LADIES!

A BOX OF HURLBUT, WHITING OR BERLIN JONES' Fine Holiday Stationery. The Latest Shape and Cut of Linen Lawn and other Fabric Papers: In Decorated Boxes from 50c to \$5.00.

A VIENNA WRIST BAG: This Fall's Latest New York styles. Purse, card cases, etc. Name in gilt free during the holidays.

BEAUTIFUL TRIPLICATE and HAND MIRRORS: Goehring's Celebrated goods in Ebony and all the beautiful hard woods.

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A DAINTY GIFT BOOK in Ooze Calif. Burnt Leather, Limp Leather and other exquisite bindings. In these we have all the classics and standard authors.

A VOLUME OF MODERN FICTION. We have the last of the most popular authors of today.

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AN ART CALENDAR: we have them in all styles, 25c to \$5.00 each.

INK STANDS, Art Metal and Cut Glass.

BEAUTIFUL LEATHER WRITING SETS and Portfolios.

For Boys' and Girls.

BOOKS, DOLLS, TOYS, Games and Puzzles of every description—See our Window Display.

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FOUNTAIN PENS, Plain and Mounted. L. E. Waterman, A. A. Waterman and the Celebrated Swan makes. The best in the market and all guaranteed.

COLLAR AND CUFF SETS: Shaving Sets, etc., in Austrian Court ware and Fine Leather.

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BIBLES, Oxfords, Bagster and Cambridge—all sizes from Vest Pocket to Family, in all styles of binding.

CHURCH PUBLICATIONS, including New, Revised and Enlarged Editions of the Latter-day Saints' Psalms and Hymn Book. Just out of the Press Today.

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So many people who have apparently recovered from an attack of *La Grippe* are stricken with *Pneumonia*. This is due to the fact that the Bronchial Tubes and Lungs are left weakened and unable to resist disease.

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not only cures *La Grippe Coughs*, and prevents *Pneumonia*, but strengthens the Lungs so they will not be susceptible to the development of serious lung troubles. Do not take chances with some unknown preparation that may contain some harmful drug when FOLEY'S HONEY AND TAR costs you no more and is safe and sure. Contains no opiates.

I had a bad case of *La Grippe* about ten years ago which left my Lungs so weak that I have been troubled more or less every winter since until I used FOLEY'S HONEY AND TAR, which cured me completely and my Lungs no longer trouble me.—J. H. BROWNING, D.D.S., Orrick, Mo.

G. VACHER, 157 Osgood St., Chicago, says: "My wife had a very severe case of *La Grippe*, and it left her with a very bad cough. She tried a bottle of FOLEY'S HONEY AND TAR and it gave immediate relief."

The 50c bottles contain two and one-half times as much as the small size and the \$1.00 bottles almost six times as much.

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